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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DAVID M. MILLER,

11 Plaintiff,

12 v.

13 G. STEVEN HAMMOND,

14 Defendant.

CASE NO. 3:17-cv-05519-RBL-JRC

REPORT AND RECOMMENDATION

NOTING DATE: NOVEMBER 3, 2017

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16 The District Court has referred this action filed under 42 U.S.C. § 1983 to United States
17 Magistrate Judge J. Richard Creatura. After screening plaintiff's complaint, the Court ordered
18 plaintiff to file an amended complaint or show cause why his action should not be dismissed.
19 However, the deadline for those actions has passed and plaintiff has not responded to the Court's
20 order. Therefore, the Court recommends that the action be dismissed without prejudice for
21 failure to comply with a court order and failure to prosecute.

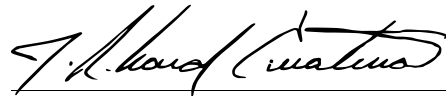
22 Plaintiff filed this action on July 8, 2017. The Court granted plaintiff's application to
23 proceed *in forma pauperis* on August 31, 2017 (Dkt. 4) and on September 1, 2017, the Court
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1 ordered plaintiff to file an amended complaint or show cause on or before October 2, 2017, why
2 the Court should not recommend plaintiff's action be dismissed (Dkt. 6).

3 Plaintiff has failed to comply with the Court's September 1 order and has not filed an
4 amended complaint or shown cause why his action should not be dismissed. Because plaintiff
5 has failed to comply with the Court's order and prosecute this case, the Court recommends the
6 case be dismissed without prejudice.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
8 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
9 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
10 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
11 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
12 **November 3, 2017**, as noted in the caption.

13 Dated this 11th day of October, 2017.

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16 J. Richard Creatura
17 United States Magistrate Judge
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